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HOUSE BILL 73

48TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2007

INTRODUCED BY

James Roger Madalena

FOR THE INDIAN AFFAIRS COMMITTEE

AN ACT

RELATING TO CULTURAL PROPERTIES; ESTABLISHING STATE CULTURAL
PROPERTY ON STATE OR FEDERAL LAND FOR REBURIAL OF HUMAN REMAINS
AND FUNERARY OBJECTS; MAKING AN APPROPRIATION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. A new section of Chapter 18, Article 6 NMSA
1978 is enacted to read:

"[NEW MATERIAL] SHORT TITLE.--This act may be cited as the
"Reburial Grounds Act"."

Section 2. A new section of Chapter 18, Article 6 NMSA
1978 is enacted to read:

"[NEW MATERIAL] DEFINITIONS.--As used in the Reburial
Grounds Act:

A. "department" means the cultural affairs
department;

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underscored material = new
[bracketed material] = delete

underscored material = new
[bracketed material] = delete

1 B. "descendant group" means persons related by
2 consanguinity or by family affiliation or clan and includes a
3 Native American nation, band, tribe or pueblo in New Mexico;

4 C. "funerary object" means an object or artifact
5 associated with a human burial;

6 D. "reburial grounds" means state or federal land
7 set aside pursuant to the Reburial Grounds Act that secures and
8 preserves unmarked graves for remains not claimed by a
9 descendant group;

10 E. "remains" means a human body, skeletal remains
11 or mummified remains discovered during construction and other
12 projects or exposed through erosion, excavation or accident on
13 state, federal and private lands and includes a funerary object
14 or artifact associated with the remains; and

15 F. "state land" means property owned, controlled or
16 operated by a department, agency, institution or political
17 subdivision of the state."

18 Section 3. A new section of Chapter 18, Article 6 NMSA
19 1978 is enacted to read:

20 "[NEW MATERIAL] REMAINS DESIGNATED FOR REBURIAL.--Except
21 as otherwise designated by the department, remains shall be
22 reburied in the reburial grounds unless a descendant group that
23 demonstrates a relationship to the remains requests otherwise."

24 Section 4. A new section of Chapter 18, Article 6 NMSA
25 1978 is enacted to read:

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[bracketed material] = delete

1 "[NEW MATERIAL] DESIGNATION OF REBURIAL GROUNDS SITE.--The
2 department shall facilitate the designation of state or federal
3 land for reburial of unmarked remains not claimed by a
4 descendant group and shall:

5 A. by September 1, 2007, organize a working group
6 that includes representatives of the department, the Indian
7 affairs department and the tribal-state workgroup on
8 repatriation and sacred places to:

9 (1) recommend rules for the acquisition of
10 remains and the maintenance and preservation of the reburial
11 grounds;

12 (2) distinguish between remains that can be
13 reburied and remains that cannot; and

14 (3) establish procedures and priorities for
15 reburying remains held in state and private collections;

16 B. by December 30, 2008, promulgate rules for:

17 (1) platting remains placed in the reburial
18 grounds and ensuring that the information is confidential
19 pursuant to Section 18-6-11.1 NMSA 1978;

20 (2) accepting and acquiring remains and
21 coordinating activities with the state historic preservation
22 officer;

23 (3) preserving the natural environment of the
24 reburial grounds;

25 (4) distinguishing between remains that can be

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underscored material = new
[bracketed material] = delete

1 reburied and those that cannot;

2 (5) working with descendant groups that
3 request access to the reburial grounds for ceremonies; and

4 (6) providing for security and confidentiality
5 of the site; and

6 C. by July 1, 2009:

7 (1) accept the first remains for reburial,
8 including remains currently at the museum of New Mexico, the
9 museum of Indian arts and culture and the department;

10 (2) begin platting the reburial grounds so
11 that reburied remains are not disturbed by later burials and so
12 that the plat is confidential pursuant to Section 18-6-11.1
13 NMSA 1978; and

14 (3) provide security for the reburial
15 grounds."

16 Section 5. APPROPRIATION.--One hundred thousand dollars
17 (\$100,000) is appropriated from the general fund to the
18 cultural affairs department for expenditure in fiscal years
19 2008 and 2009 for establishing and securing the reburial
20 grounds and reburying remains. Any unexpended or unencumbered
21 balance remaining at the end of fiscal year 2009 shall revert
22 to the general fund.

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